

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LIBERMANN *et al.*

Appl. No. 09/126,945

Filed: July 31, 1998

For: **Prostate Derived Ets Factor**

Art Unit: 1632

Examiner: Priebe, S.

Atty. Docket: 1488.1090000/EKS/GLL

Second Supplemental Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is submitted herewith. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on June 4, 1999 in connection with the above-captioned application.

Applicants also wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding clones of the captioned application may be related to SEQ ID NOS: 147 and 173 in co-pending U.S. Application No. 09/366,690, filed August 4, 1999 and SEQ ID NO: 319 in co-pending U.S. Application No. 09/342,216, filed June 29, 1999.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Second Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

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Date: 12/9/99

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